

2009 City of Detroit – Charter Revision Commission Package
For Tuesday, May 11, 2010 @ 6:00 p.m.
Detroit Rescue Mission Ministries
Administration Building, 150 Stimson, Detroit, Michigan 48201
(Central Detroit)

Agenda and Informational Package

- I. Call to Order (6:00 P.M.) [Special Welcome by Barbara Willis, C.O.O., Detroit Rescue Mission Ministries]
- II. Roll Call
- III. Approval of the Minutes
- IV. Approval of Agenda
- VI. Substantive Charter Review, Presentation regarding

Article 4: Chapter 3: OMBUDSPERSON

Sharon L. Levine, Esq. - American Bar Assoc. Ombuds Committee of Administrative Law
John R. Eddings, City of Detroit Ombudsperson (1995-2004)

Commission Questions and Answers

Public Questions on the Presentation

- VII. Report of the Chair
- VIII. Report of the Vice Chair
- IX. Reports from Executive Director and/or General Counsel (7:20 P.M.)
- X. Committee Reports (7:30 P.M.)
 - (a) Office Committee (no report)
 - (b) Personnel Committee (Update on AA process)
 - (c) Rules and Structure Committee (no report)
 - (d) Budget Committee - One action items:
 - (1) RFP, for audio / visual services
- XI. Public Comments (2 minutes per person) (7:45 P.M.)
- XI. Unfinished Business
- XII. New Business
- XIII. Adjournment (8:30 P.M.)

Meeting Schedule for the Month (May /June, 2010)

Tuesday, May 25, 2010 @ 6:00 p.m.
Motor City Blight Busters
17405 Lahser
Detroit, Michigan 48219
(Northwest Detroit)

Tuesday, June 8, 2010 @ 6:00 p.m.
Detroit Regional Chamber of Commerce
1 Woodward Avenue
19th Floor Conference Room
Detroit, Michigan 48226
(Downtown Detroit)

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Commission Telephone Contacts

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313-628-2514 (General Counsel)
313-628-2516 (Executive Director)
313-628-2524 (volunteer line)

Attachments: (1) Complaint Report from City Ombudsperson D. Brown (available at the Meeting)
(2) Charter revision suggestions from Detroit City Councilmember Joann Watson

Substantive Charter Review, Presentation regarding

Article 4: Chapter 3: OMBUDSPERSON

Sharon L. Levine, Esq. - American Bar Assoc. Ombuds
Committee of Administrative Law

John R. Eddings, City of Detroit Ombudsperson (1995-2004)

(Presentation outline attached)

MEMORANDUM

To: City of Detroit Charter Revision Commission

Executive Director, Gregory Hicks

From: Lamont D. Satchel, Esq.

Date: May 8, 2010

RE: Charter History of Ombudsperson

1974 Charter

Originally incorporated into the 1974 Charter and referred to as the Ombudsman, the office of the later called Ombudsperson was created to serve as an independent department of city government with non-exclusive, minimally limited (the offices of the mayor, city council and city clerk were exempt from investigation) investigatory powers of complaints about the operation, function and conduct of city government. (Article 4, Chap. 3, Ombudsperson). Despite the perceived necessity of the position, the 1974 Charter required a referendum on whether the Ombudsman position would be retained after 10 years of its initial appointment.

The question of whether the office of ombudsman shall be retained shall be submitted to the voters of the city at the last regularly schedule[d] election in the city before the end of the 10-year period following the appointment of the first ombudsman. If the question fails, the office will terminate on the 1st day of the following January. (Article 4, Chap. 3, §4-318)

Pursuant to the charter directed referendum, on August 7, 1984 Proposal C was submitted to voters asking:

Shall the office of the Ombudsman, as provided in Sections 4-301 through 4-318 of the Charter of the City of Detroit, be retained?

Proposal C passed and the Ombudsperson position was retained.

1997 Charter

The subsequent 1997 Charter continued the Ombudsperson position with a few noteworthy changes. First, §4-308 Powers of Investigation, was amended to authorize the ombudsperson retain outside counsel in cases of a conflict of interest with another branch of city government. Second, §4-318 Referendum, which required a referendum in 1984 on whether the ombudsperson office should be retained after expiration of its initial ten (10) year term, was not renewed. It was determined by the then Charter Revision Commission that the ombudsman position was a “vital resource” to the citizens of Detroit. (See Commentary, 1997 Charter)

PRESENTATION FOR THE CITY OF DETROIT
CHARTER REVISION COMMISSION
BY SHARAN LEE LEVINE

TUESDAY MAY 11, 2010

OMBUDSMAN FUNCTIONS AND ITS APPLICATION
TO MUNICIPAL GOVERNMENT

I. WHAT IS AN OMBUDSMAN?

A. AMERICAN BAR ASSOCIATION STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF OMBUDS OFFICES

- Ombuds receive complaints and questions from individuals concerning people within an entity or the functioning of an entity.
- They work for the resolution of particular issues and, where appropriate, make recommendations for the improvement of the general administration of the entities they serve.
- Ombuds protect: the legitimate interests and rights of individuals with respect to each other; individual rights against the excesses of public and private bureaucracies; and those who are affected by and those who work within these organizations.
- Ombuds offer an opportunity to resolve disputes early, without the time and expense of litigation.

B. UNITED STATES OMBUDSMAN ASSOCIATION

- An independent, impartial public official with authority and responsibility to receive, investigate or informally address complaints about government actions, and, when appropriate, make findings and recommendations, and publish reports.

II. HISTORY OF THE OMBUDSMAN.

A. SWEDISH MODEL.

- The first public sector Ombudsman was appointed by the Parliament of Sweden of 1809.
- The Swedish Constitution divided and balanced power between the King and Parliament with the King having executive powers and Parliament retaining legislative power.

B. IN THE UNITED STATES.

- Hawaii established the first office in 1967.
- A number of states, counties and municipalities have followed suit by establishing offices of general jurisdiction.

C. IN THE CITY OF DETROIT.

- The City of Detroit Office of the Ombudsperson (the “Office”) was established with adoption of the Detroit City Charter approved by citizen referendum on November 6, 1973, (the “1974 Charter”).
- Ten years later, Detroit citizens voted to make it a permanent part of city government.
- The Office was patterned upon the independent Swedish model; it was intended (1) to be established by Charter, Constitution or Statute; (2) to be empowered to act independent of the appointing authority (City Council);
- to be structurally free from the agencies which it investigates. The Charter established the Office within the Legislative Branch of city government, and accorded the Office broad jurisdiction.

III. **ESSENTIAL AUTHORITY OF THE OMBUDSMAN OFFICE.**

- An entity undertaking to establish an Ombuds should do so pursuant to a legislative enactment or a publicly available written policy (the “charter”) which clearly sets forth the role and jurisdiction of the Ombuds and which authorizes the Ombuds to:
- receive complaints and questions about alleged acts, omissions, improprieties, and systemic problems within the Ombuds’s jurisdiction as defined in the charter establishing the office;
- exercise discretion to accept or decline to act on a complaint or question;
- act on the Ombuds’s own initiative to address issues within the Ombuds’s prescribed jurisdiction;
- operate by fair and timely procedures to aid in the just resolution of a complaint or problem;
- gather relevant information and require the full cooperation of the program over which the Ombuds has jurisdiction;
- resolve issues at the most appropriate level of the entity;
- function by such means as:
 - (a) conducting an inquiry,
 - (b) investigating and reporting findings,
 - (c) developing, evaluating, and discussing options available to affected individuals,
 - (d) facilitating, negotiating, and mediating,

- (e) making recommendations for the resolution of an individual complaint or a systemic problem to those persons who have the authority to act upon them,
 - (f) identifying complaint patterns and trends,
 - (g) educating,
 - (h) issuing periodic reports,
 - (i) advocating on behalf of affected individuals or groups when specifically authorized by the charter,
- initiate litigation to enforce or protect the authority of the office as defined by the Charter.

IV. CORE CHARACTERISTICS OF THE OMBUDSMAN.

A. INDEPENDENCE.

- The Ombuds is and appears to be free from interference in the legitimate performance of duties and independent from control, limitation, or a penalty imposed for retaliatory purposes by an official of the appointing entity or by a person who may be the subject of a complaint or inquiry.
- In assessing whether an Ombuds is independent in structure, function, and appearance, the following factors are important:
- whether anyone subject to the Ombuds's jurisdiction or anyone directly responsible for a person under the Ombuds's jurisdiction
- can control or limit the Ombuds's performance of assigned duties or
- can, for retaliatory purposes, (1) eliminate the office, (2) remove the Ombuds, or (3) reduce the budget or resources of the office.

B. IMPARTIALITY.

- The Ombuds conducts inquiries and investigations in an impartial manner, free from initial bias and conflicts of interest.
- Impartiality does not preclude the Ombuds from developing an interest in securing changes that are deemed necessary as a result of the process, nor from otherwise being an advocate on behalf of a designated constituency.
- The Ombuds may become an advocate within the entity for change where the process demonstrates a need for it.

C. CONFIDENTIALITY.

- An Ombuds does not disclose and is not required to disclose any information provided in confidence, except to address an imminent risk of serious harm.
- Records pertaining to a complaint, inquiry, or investigation are confidential and not subject to disclosure outside the Ombuds's office. An Ombuds does not reveal the identity of a complainant without that person's express consent.
- An Ombuds may, however, at the Ombuds's discretion, disclose non-confidential information and may disclose confidential information so long as doing so does not reveal its source.

V. ANALYSIS OF THE CHARTER IN RELATION TO THE ABA STANDARDS.

A. INDEPENDENT CHOICE OF COUNSEL.

- The scope of the Ombudsperson's powers and jurisdiction of investigation encompasses executive branch agencies, such as the City of Detroit corporation counsel and Law Department (the "Law Department").
- Thus, an executive branch agency or employee could be the subject of a complaint made to the Office, and/or be the subject of the Ombudsperson's investigation.
- Charter §6-405 provides that the Law Department, upon request, is to provide legal advice or opinions to "the head of any agency."
- This means that the Law Department is supposed to serve as the attorney for the Ombudsperson. Charter §6-406 provides that the corporation counsel "shall prepare or approve all contracts. . . in which the city is concerned. . ."
- This provision means that this executive branch official is the final arbiter of whether a contract submitted by the Ombudsperson will or will not be approved.
- The Ombudsperson sought to utilize the Charter right to retain separate legal counsel in December 1998. But, Pursuant to Charter §6-406, the Ombudsperson was required to submit the Professional Services Contract (the "Contract") to the Law Department for approval.
- The Law Department refused to approve the Contract, claiming that the "Scope of Services" section was too broad.
- The Ombudsman's office was required to file suit against the Mayor and the Legal Department;
- Judge Sapala, entered an Order in May, 2001, which confirmed that the Ombudsperson has the authority to retain legal counsel of his selection when a conflict of interest exists between the Ombudsperson and another branch of government.

B. CONFIDENTIALITY.

- There is no provision currently within the Charter which provides for the confidentiality of communications with the Ombudsperson and its Office.
- Given the purpose of the Office, its Charter mandate, and the intent of the 1974 and 1997 Charter Revision Commissioners, it is logical and appropriate that such a provision should be included within the Charter.
- Public policy, the legislative history of the Charter Revision Commissions, federal legislation and court decisions all support the notion of Ombuds confidentiality.
- Ombuds gather information in confidence to ensure candor from any complainant or investigated person or entity.

- The Ombuds's records need to be confidential. The observance of confidentiality accords the Ombuds function a critical distinction from other grievance-handling forums. If the complainant wishes to take the grievance public, there are other avenues to pursue.
- Federal law- Administrative Dispute Resolution Act- authorizes and encourages federal agencies to use consensual means of dispute resolution as alternative to traditional dispute resolution processes.
- The ADRA includes and encourages the use of Ombudspersons. The ADRA provides for confidentiality in the proceedings, because of the public policies and benefits.
- "Confidentiality is vital for the success of ADR for several reasons. Parties must be free to engage in candid, informal discussions of their interests in order to reach the best possible settlement of their claims.
- Guarantees of confidentiality permit parties to speak openly, without fear their statements will be used against them later.
- Confidentiality also facilitates ADR by encouraging parties to avoid the posturing that often occurs when proceedings are on the record."

C. JURISDICTION OVER OUTSOURCED CITY SERVICES.

- The jurisdiction of the Ombudsperson over city services that have been "Privatized" should be explicitly provided for in all privatization ordinances, and within all contracts with vendors of services formerly provided by the City.
- Privatization can improperly reduce or infringe upon the Ombudspersons' jurisdiction and authority.
- Their jurisdiction and authority can be modified only by Charter revision and only after proper referendum.
- Another concern is that privatization can result in Detroit citizens being stripped of access to government in areas in which the government formerly was responsible.
- This deprivation could amount to deprivation of due process and property rights and could be unconstitutional.
- Finally, by limiting the ability of the Ombudsperson's office from having the authority to review complaints or grievances of private contract providers, there is a distinct loss of accountability to City residents regarding how funds are spent.

D. OMBUDS JURISDICTION; OVERSIGHT OF ELECTED OFFICIALS.

- Charter Section 4-307 precludes the Ombudsperson from investigating actions of elected officers.
- Ombudspersons should have jurisdiction to review, investigate, and, as necessary, issue reports on investigations pertaining to elected officials.

Executive Director / General Counsel Report
May 11, 2010

2009 Detroit Charter Revision Commission Executive Director's Report: For May 11, 2010 Full Commission Meeting

Please note the following summary and action items for consideration by the Commission:

1) Follow-up – Under Budget Committee Report; RFP Audio / Visual Services.

Summary: At the last Budget Committee meeting, staff presented for discussion a draft RFP for audio / visual services. The committee discussed the various provisions of the RFP. Staff also indicated that the RFP will require a few technical changes and legal review from General Counsel. Under the Budget Committee Report, the final FRP is provided for Commission Approval. Please note that the timeline for the RFP has been adjusted.

Informational items: (a) Information only; action item is under the Budget Committee Report. The final RFP is attached to the committee report.

2) Detroit City Council Budget Hearing

Summary: On May 5, 2010, Commission Chair Hendrix and staff (Director Hicks and General Counsel Satchel) appeared before the Detroit City Council to request financial support for the Commission as approved by the Commission at our April 27th meeting. The request was for \$859,710.00. The request represents a increase of \$109,000 over the Mayor's recommendation. The request was placed in Council's Executive Session for consideration. The Council is expected to complete its work on the FY: 2010-2011 Budget within the next few weeks. Additional information on this matter will be provided as it develops.

Informational items: (a) Information only; budgetary questions from City Council President Pro Tem Brown and Member Jenkins along with responses from the Commission are included attached to this report.

3) Telephone Service

Summary: After several months of requesting telephone service and dedicated phone lines for the Commission, the city's IT department has assigned four landlines and four headsets to the Commission. Additional lines and headsets will be provided following an on-site audit by IT. The audit has not been scheduled as of today. Telephone charges to the Commission are a function of the number of headsets provided to the Commission and their average cost as part of the overall number of headsets under use across the city. Specific charges will be reported in future financial reports to the Commission.

Informational items: (a) Information only; (b) line assignments are as follows 628-2517 (General Line), 628-2514 (General Counsel), 628-2516 (Executive Director), 628-2524 (volunteer line)

4) Search for Volunteers and Student Interns

Summary: The Commission is actively searching for volunteers to assist with meetings, office, research and other Commission related activities. We have asked for student interns at Wayne State University's Honor College and

WSU Law School. We have a limited number of volunteers responding. Ms. Simone Lightfoot has agreed to help coordinate our search for additional volunteers.

Informational items: (a) Information only; (b) Ms. Lightfoot can be contacted at 628-2524(volunteer line).

5) Press Announcement for May 11, 2010 Presentation on Article 4, Chapter 3: Ombudsperson with panelist Sharan Levine and John Eddings.

Informational Items: (a) Information only. Commissioners are encouraged to distribute the press announcement.

2009 Detroit Charter Revision Commission General Counsel's Report: For May 11, 2010 Full Commission Meeting

Engagement of Legal Community:

Professor David Moss, Director of Wayne State University Law School's Clinical Program, has agreed to assist the Commission in recruiting legal interns. Professor Moss has agreed to post an advertisement for legal internship positions, which has been prepared and submitted to him. Although the deadline for creating a formal summer or fall internship through the Clinical Program had passed, Professor Moss has agreed to allow students interested in a Charter Commission legal internship to engage in a directed study for credit.

Stakeholder Outreach

The Commission has completed its second phase of stakeholder letters for purposes of soliciting the input of relevant governmental, civic, labor, and political and community organizations. The first phase of letters to government officials and agencies were sent on April 22, 2010. The second phase of letters to identified civic, labor, political and community organization were sent on May 7, 2010.

Solicitation of Pro Bono Legal Assistance

Requests for pro bono legal assistance on an as-needed-basis have been prepare and mailed to law firms on May 7, 2010. The General Counsel will follow up with phone calls to the respective law firms.

Budget Questions: FY 2010-2011
Submitted to the City of Detroit Charter Revision Commission
From the Detroit City Council President Pro Tem Brown and Member Jenkins
Responses prepared by Gregory Hicks, Executive Director, DCRC (May 6, 2010)

Questions from Member Brown:

(1) The Charter Commission was allotted \$250,000 for FY 2009-2010 for approximately 6 months. As of May 1, 2010 does the Charter Commission have a surplus or deficit and how much either way?

Response: Our best estimate of our financial status is that we have committed 60% of our allocation and expect to spend the balance by the end of the fiscal year. Our current (FY:2009-2010) commitments of the above allocations is \$127,000.00. The commitments are for professional service contracts (\$103,000), billed reimbursements currently within the city's system (\$14,000), reimbursements to be taken by the city through interdepartmental transfers of invoicing (\$10,000). We also project that we will use the balance of the funds and will not have a surplus for the current year. We are in the process of purchasing equipment, furnishings, subscriptions, dues, supplies and printed materials. Also, we will be obligated to pay for utilities, IT services and other expenses to the city.

(2) The Charter Commission requested \$750,000 for fiscal year 2010-2011. What is the rationale for the increase of \$250,000 over \$500,000 for one year?

Response: The Commission is requesting \$859,710.00 or an increase of \$109,710 over the Mayor's recommendation. The detailed information was provided during our budget hearing before the Council. We have attached a copy of same to this set of questions (**Attachment – Brown/Jenkins 1**).

(3) Please provide City Council with a copy of your proposed operating budget for FY:2010-2011.

Response: The operating budget as authorized by the Charter Revision Commission at its May 27, 2010 meeting is \$859,710.00. A copy of that budget is attached (**Attachment – Brown 3**).

(4) Where is the Charter Commission currently located and is rent being paid? Is this the permanent location? If there is no charge, are there plans to remain in this location? If it will not be available for the duration of the Charter Commission's work are there plans to seek existing city space and at what costs?

Response: The Commission is currently located in the Cadillac Towers Building, 65 Cadillac Square, room 3210. We anticipate paying standard rents for the existing space in FY: 2010-2011. Also, we are in the process of searching for a permanent location for the Commission. The City has indicated that after the current fiscal year we will begin to pay rent in any of its facilities. Our plans in association with the Cadillac Tower location have not been determined. Cadillac Tower will be included in the above evaluation as will other city owned facilities. We have included in our projected budget for FY 2010-2011 a rent figure of \$35,000. The Commission has developed a process for locating space for the duration of its term. We are in the process of canvassing neighborhood and downtown facilities for space. In making a decision on space, several factors are important including price and location. We will consider these and other factors and make the best business decision on potential office space as well as consider locations that are best accessible by citizens and other stakeholders.

(5) Does the Charter Commission utilize the city's website, www.detroit.gov, to communicate with citizens regarding meeting notices, minutes, agenda etc.? If not, are there plans to begin using this existing website? What are the Charter Commission's plans to involve citizens in the revision process using the Internet? Please be specific.

Response: Currently, the Commission uses the city's website and electronic mail systems. We post meeting, minutes and agenda on the website. We plan to develop and operate an independent website under the registration of the 2009 Charter Revision Commission. To communicate with citizens over the internet, we need a different approach to the website. Our plans are to develop a website with blogs for Commissioners, informational retrieval sections for minutes, agendas and our standard informational package. We also want to include a data content collection and retrieval section to take and track suggestions from the public. We are also interested in posting our newsletter, distributing our newsletter electronically to greater than 50,000 to 100,000 residents, and providing links to other Charter related activity including policy advocacy organizations like the Citizens Research Council, Michigan Municipal League, etc. The current city website will not support most of these items.

(6) Has the Charter Commission looked into utilizing surplus city-owned computers, office furniture, printers, file cabinets, etc. to save general fund costs? If not, are there plans to do so?

Response: We have investigated all of the above. We have been able to reduce costs by securing several discarded items from other city offices. In the isolated event that we have located city-owned printers, computers and other types of working office equipment, we have been told that they are in use or have plans to be used within the immediate future and therefore not available for our use.

(7) What is the current means and future plans for citizens to be able to communicate with the Charter Commission in order to submit ideas, suggestions and ask questions?

Response: The Commission has been holding regular community meetings in every geographical section of Detroit beginning in February, 2010. The Commission has divided its work into seven categorical sections;

- (a) Introductory information gathering specifically related to provisions under the current Charter (January 2010 to July 2010),
- (b) detailed examination of the Charter (September 2010 to December 2010),
- (c) drafting of the proposed Charter (January 2011 to March 2011),
- (d) public review of proposed Charter (April 2011)
- (e) submission of the proposed Charter to Governor and State AG (May 2011 to July 2011)
- (f) Charter public promotion period (August 2011 to October 2011)
- (g) Target ballot placement November 2011.

The Commission is considering expanding the detailed examination section to allow for greater public interaction including mini-conferences and workshops designed to allow for more interactive exchanges with citizens and stakeholders. Part of our increased budget request is to support this activity (see programmatic activities).

The Commission has also mailed stakeholders letters to key organizations, groups and individuals. The stakeholders letters invite comments and recommendations on the Charter. We would like to convene stakeholder styled community meetings. The responses to the letters will give us information on how, when and who to invite to these meetings. Elected officials and operating officials were included in this phase of our work.

(8) Will the Charter Commission seek the services of the Cable Commission to tape and show the meetings on a consistent basis?

Response: We have contacted the Cable Commission who report that because of their cuts they are unable to tape and produce the Commission's meetings. We have obtained their cooperation in providing technical reviews for RFPs related to audio /visual services. We have decided to develop an RFP for the above services and to create a competitive environment that will result in our securing a vendor at the lowest, most effective costs, with proven capabilities for editing, sound quality and image as well as with the organizational capacity to maintain themselves as a business entity over a 12 month period. A draft copy of the RFP is attached (**Attachment Brown -4**).

(9) What is the process if an employee wishes to anonymously or confidentially make suggestions to the Charter Commission?

Response: Anonymous and/or confidential information can be mailed directly to the Commission at the following address:

2009 City of Detroit Charter Revision Commission
ATTN: Confidential Disclosures
Cadillac Towers, 32 Floor, Suite 3210
65 Cadillac Square

Detroit, MI 48226

Alternatively, we can be contacted by telephone at 313.628-2517.

We are also planning to add a confidential phone line with 24 hour recording capabilities for anonymous callers. Additionally, our planned website will also have the ability to submit confidential information. We will keep track of the information and not the individual or group that is submitting the information. All of the information will be vetted for accuracy and submitted to the Commission with recommendations.

(10) Who are the current staff members of the Charter Commission and what are the plans for future hirings?

Response: The current staff of the Commission is listed below:

Gregory Hicks, MUP, MA
Executive Director

Lamont Satchel, Esq.
General Counsel

We are currently in the process of hiring an Administrative Assistant. We also hope to hire a clerical support staff members in our FY: 2010-2011 allocation.

-end-

Questions and Responses from City Councilmember Jenkins
Responses prepared by Gregory Hicks, Executive Director, DCRC (May 6, 2010)

Questions from Member Jenkins:

(1) Please provide a detailed summary of the responsibilities of Executive Director and general Counsel. Also provide the salaries for both positions. Have you explored using the City's Law Department as General Counsel?

Response: Attached please see the job descriptions for the Executive Director and General Counsel (**Attachment – Jenkins 1**). Both individuals are under personal services contracts for \$131,721.12. Both consultants are independent, non-city employees and are not awarded benefits under their contract nor perks such as use of a automobile, car insurance or reimbursements for business related meals or expenses. The normal fringe benefit package composed of retirement, hospitalization, worker compensation, dental, vision and other fringes are not paid by the Commission.

(2) When is the Commission scheduled to vacate the General Services Department's prior office space in Cadillac Tower? Is the Commission looking into occupying office space in the Coleman A. Young Municipal Center after it vacates?

Response: The Commission is currently located in the Cadillac Towers Building, 65 Cadillac Square, room 3210. We do not have a definite schedule to vacate office space in Cadillac Tower building. We anticipate paying standard rents for the existing space in FY: 2010-2011. Also, we are in the process of searching for a permanent location for the Commission. The City has indicated that after the current fiscal year we will begin to pay rent in any of its facilities. Our plans in association with the Cadillac Tower location have not been determined. Cadillac Tower will be included in the above evaluation as will other city owned facilities. We have included in our projected budget for FY 2010-2011 a rent figure of \$35,000. The Commission has developed a process for locating space for the duration of its term. We are in the process of canvassing neighborhood and downtown facilities for space. In making a decision on space, several factors are important including price and location. We will consider these and other factors and make the best business decision on potential office space as well as consider locations that are best accessible by citizens and other stakeholders.

(3) The Commission requested \$701,810 for FY 2010-11. Please provide a detailed itemization and analysis for this requested budgeted amount.

Response: The Commission is requesting \$859,710.00 or an increase of \$109,710 over the Mayor's recommendation. The detailed information was provided during our budget hearing before the Council. We have attached a copy of the same to this set of questions (**Attachment - Jenkins 2**).

(4) When will the Commission begin to hold public hearings with elected and operating public officials to ascertain immediate and future priorities for city government?

Response: The Commission has divided its work into seven categorical sections;

- (a) Introductory information gathering specifically related to provisions under the current Charter (January 2010 to July 2010),
- (b) detailed examination of the Charter (September 2010 to December 2010),
- (c) drafting of the proposed Charter (January 2011 to March 2011),
- (d) public review of proposed Charter (April 2011)
- (e) submission of the proposed Charter to Governor and State AG (May 2011 to July 2011)
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The Commission is considering expanding the detailed examination section to allow for greater public interaction including mini-conferences and workshops designed to allow for more interactive exchanges with citizens and stakeholders. Part of our increased budget request is to support this activity (see programmatic activities).

The Commission has also mailed stakeholders letters to key organizations, groups and individuals. The stakeholders letters invite comments and recommendations on the Charter. We would like to convene stakeholder styled community meetings. The responses to the letters will give us information on how, when

and who to invite to these meetings. Elected officials and operating officials were included in this phase of our work.

(5) Does the Commission currently have any Charter revision recommendations you've agreed upon?

Response: No. We are still in the information gathering phase of the work. We have reserved a segment of our time for drafting (see schedule above) where it will be more appropriate for consensus building and language finalization.

-end-

(Attachment – Brown/Jenkins 1)

**Detroit Charter Revision Commission Proposed Budget FY: 2010-2011
As Approved by Charter Revision Commission April 27, 2010
For Submission to the Detroit City Council
Budget Hearing Request – May 5, 2010**

The City of Detroit Charter Revision Commission is a quasi-governmental agency initiated by a vote of the people and charged with the responsibility of examining the Charter of the City. The Charter Revision Commission has up to three (3) years to revise the City Charter and submit it to a vote of the people. The Commission has nine (9) elected members, staff and a host of volunteers. The Commission conducts hearings, engages in public debate and receives information and recommendations from community stakeholders including block clubs, community associations, business, organized labor, youth, religious, and philanthropic organizations. After the work of the Commission is completed, it will close until the next voter initiated Charter revision is authorized.

00844 – Charter Commission
351250 – Charter Commission
FY 10/11

601100 – Consultants / Compensation Full Time

Executive Director	\$135,000
General Counsel	\$135,000
Administrative Assistant	\$ 62,500
Clerical/Receptionist	\$ 25,000
Social Security (FICA)	\$ 34,000
Commissioner Per Diems	\$ 14,850
subtotal:	\$406,350

The Commission has two full time consultants, Executive Director and General Counsel. The Commission also anticipates hiring an Administrative Assistant and a clerical/receptionist. All of the individuals hired by the Commission are consultants and receive no benefits. Hospitalization, insurance, etc. are the sole responsibility of the individual consultant. The Commission provides a stipend for Commissioners to offset local travel equal to \$50.00 per meeting.

Office Operations

620100 - Office Supplies	\$ 15,000
626400 - Rentals- Buildings	\$ 35,000
626430 - Rentals- Miscellaneous	\$ 0
Furnishings	\$ 8,000
626600 - Postage	\$ 15,000
General Counsel's liability coverage	\$ 2,500
626703 - Voice Com Serv (Local and Long Distance)	\$ 100
626705 - Voice Com Serv (Cellular)	\$ 4,800
626707 - Telephone & Telegraph	\$ 2,160
626804 – Utilities	
Electricity	\$ 2,400
Gas	\$ 2,400
Water	\$ 1,200
subtotal:	\$ 88,560

The Commission is located in the Cadillac Tower Building, 32nd Floor (room 3210). For FY: 2010 the Commission is included in the Master Lease of the City of Detroit. The Commission anticipates continuing to utilize the same space. If the Commission must vacate the Cadillac Tower alternative space will be required. Rent will be paid either to the City of Detroit or an appropriate landlord. Other operating costs are included such as office supplies and furnishings and utilities. Currently, the Commission has secured old discarded furnishings from various city departments. Additional funds are required to repair these furnishings and to secure other necessary usable items.

The General Counsel is the exclusive full time counsel for the Commission. (General Counsel is contractually prohibited from representing other clients during his engagement with the Commission and therefore the Commission has agreed to pay for his liability insurance). Dues are necessary for national and regional membership organization that will allow the Commission to access information on best practices, critical trends and advocate research.

Equipment

Personal Computers	\$ 15,000
Lap Top Computers	\$ 10,000
626700 – Telecommunications /Copier/Scanner/Facsimile	\$ 8,400
AV (Sound/Screen/ Projector)	\$ 1,500
subtotal:	\$ 34,900

The Commission is required to purchase a minimum amount of office equipment to operate an effective office. Office equipment includes 15 computers for office staff, Commissioners and volunteer interns. Copier/fax is included with maintenance agreement and reproductions costs.

Outside Services

627110 - Purchased Services	
Printing & Advertising	\$ 15,000
Court Reporter/Transcriber	\$ 5,000
Taping Meetings	\$ 50,400
Airing Meetings	\$ 6,000
Website Development	\$ 5,000
Website Maintenance	\$ 1,000
Email Marketing	\$ 10,000
626500 – Dues, Subscriptions & Miscellaneous	\$ 4,500
(Including access to legal and legislative database sub-Westlaw-Gongwer)	
subtotal:	\$ 96,900

Outside services are necessary to promote and advertise the work of the Commission. Additionally, the Commission is required to keep detailed records to draft a new Charter and produce Charter commentary (accompanying notes). The Commission anticipates developing a website with blogs, researchable comments and notices. The website is independent of the City's website. The Commission will also produce a quarterly newsletter/journal documenting the progress of the Commission. The newsletter will be distributed electronically as well as print copies distributed in public locations. Email marketing – e-mail address of residents of Detroit will be purchase from an outside vendor.

Outside Professional Services

Outside Legal Counsel	\$100,000
Policy Research	\$100,000
PR/Media	\$ 12,000
subtotal:	\$212,000

The Commission anticipates legal research related to legal specializations beyond General Counsel's capacity. Additionally, policy research is also necessary to consider the implications of various Charter proposals and their related costs to the city, if implemented.

Programmatic Activities

628100 – Travel	\$ 4,000
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(4 out of town presenters' airfare, hotel, dinner/breakfast & ground transportation)
628200 - Training / Volunteer training and coordination \$ 10,500
Video Conferencing \$ 1,500
628500 - Misc Expenses (outside rental for public workshops / meetings) \$ 5,000

subtotal: \$ 21,000

The Commission proposed to conduct several workshops and mini-conferences to encourage greater participation of stakeholders, e.g., churches, unions, business, professional associations, youth, neighborhood block clubs and neighborhood associations, etc. The workshops will be held in a facility that can accommodate six to ten concurrent workshops (mini-conferences).

GRAND TOTAL: \$859,710

Press Announcement

City of Detroit, Charter Revision Commission (2009) 32nd Floor, Cadillac Tower Building Detroit, Michigan 48226

2009 Charter Revision Commission: Officers Freman Hendrix, Chairman, Jenice Mitchell Ford, Vice Chair,

Members: Cara J. Blount, Ken Coleman, Reggie Reg Davis, Ken Harris, Teola P. Hunter, John Johnson, Rose Mary C. Robinson

Staff: Gregory Hicks, Executive Director, Lamont Satchel, General Counsel

Press Release – Detroit Charter Revision Commission The City of Detroit Ombudsman – How It Compares To National Standards and What Options Are Available to Detroit? Tuesday, May 11, 2010 - 6:00 P.M. at Detroit Rescue Mission Ministries

Immediate Release
May 7, 2010

Contact: Gregory Hicks
313-628-2517

As Detroit moves forward to rethink and realign critical government offices to ensure accountability, reliability and eliminate fraud and corruption, the Detroit Charter Revision Commission will host an informational panel discussion on how Detroit's City Charter proscribes the role and responsibilities of Office of the Ombudsman. The discussion will compare Detroit's Office of the Ombudsman to other Ombudsman functions nationally.

The Panel discussion will take place as part of the Commission's meeting on Tuesday, May 11, 2010 at 6:00 P.M. at the Detroit Rescue Mission Ministries Administration Building, 150 Stimson, Detroit, Michigan 48201.

Sharan Levine, former Chair of the American Bar Association, Ombudsman Committee of Administrative Law and Regulatory Practice Section, will be in Detroit to discuss with the Charter Commission the various types of Ombudsman functions, history of the Ombudsman Office and provide an analysis of the Detroit City Charter's Article 4, Chapter 3: OMBUDSPERSON. Attorney Levine is a partner in the law firm of Levine & Levine located in Kalamazoo, MI.

Mrs. Levine represents ombudsmen nationally in government, academia and multi-national and private corporations. Mrs. Levine is a certified mediator providing dispute resolution services. By appointment of the Michigan Supreme Court, Mrs. Levine served as Commissioner to the State Bar of Michigan Board of Commissioners from 1984-1988. For many years, Mrs. Levine was Legal Affairs correspondent with WMUK, Public Radio in Kalamazoo, Michigan for which she was the recipient of the Wade H. McCree, Jr. Advancement of Justice Award in 1987. Attorney Levine received her BA from Florida Atlantic University in 1976 and her JD from Thomas M. Cooley Law School in 1979.

Also joining Attorney Levine on the panel is John Eddings. Eddings is a former ombudsman for the City of Detroit (1995-2004) and Macomb County. Eddings is a graduate of Detroit Northwestern High School (1961) and Hampton University class of 1965. Eddings also has better than two decades of experience in local government and has witnessed the application of the ombudsman function over several administrations.

Each panel member will have 20 minutes to present their ideas on the above. After presentations, the members of the Charter Commission will ask questions of the panel on their presentations or topics related to the Charter revision process. Following the exchange between Commissioners and panel members, the Commission will open the floor for public comments. If you have questions, please contact Gregory Hicks, Executive Director, Detroit Charter Revision Commission at 313-628-2517.

-end

CITY OF DETROIT CHARTER COMMISSION
Office Committee Report
May 11, 2010

(No Report)

CITY OF DETROIT CHARTER COMMISSION
Personnel Committee Report
May 11, 2010

CITY OF DETROIT CHARTER COMMISSION
Personnel/Committee Report
Submit Date: May 7, 2010

Committee:	Personnel Committee (staff draft, in lieu of report)
Committee Chair:	Cara J. Blount
Members:	Freman Hendrix, John Johnson
Meeting Date:	Scheduled for May 5, 2010 Northwest Activities Center – Room #1
Meeting Time:	12:00 Noon – 5:00 P.M.
Attendees:	Chairperson Commissioner Cara Blount, Commission John Johnson, Commissioner Freman Hendrix, Commissioner Jenice Mitchell Ford, Gregory Hicks and Lamont Satchel
Next Meeting:	May 15, 2010 (9:00 A.M. to 5:00 P.M.)

Informational Item(s) In Report

The Committee conducted interviews of candidates for the Administrative Assistant position. Of the 130 resumes received by the Commission, 31 candidates were asked to schedule interviews. Three candidates have subsequently withdrawn from consideration for the AA position. The committee arranged for two interview dates scheduled for May 5th and May 15th, 2010 at the Northwest Activities Center. At the May 5th interview session, 9 candidates were interviewed. The committee has scheduled 17 candidates for the May 15 interview session.

CITY OF DETROIT CHARTER COMMISSION
Rules and Structure Committee Report
May 11, 2010

No Report

CITY OF DETROIT CHARTER COMMISSION
Budget Committee Report
May 11, 2010

CITY OF DETROIT CHARTER COMMISSION
Budget/Committee Report
Submit Date: May 7, 2010

Committee:	Budget Committee
Committee Chair:	Teola Hunter
Members:	Jenice Mitchell Ford, Reggie Reg Davis
Meeting Date:	April 22, 2010 at 1:30 P.M. Northwest Activities Center, Meeting Space #1
Meeting Time:	1:30 P.M. – approximately 3:15 P.M.
Attendees:	Teola Hunter, Jenice Mitchell Ford, Reggie Reg Davis, Gregory Hicks, Lamont Satchel, Members of Public
Next Meeting:	Not yet scheduled

Action Item(s) In Report

- (This report is a restatement from the April 27th Report in connection with matters related to the Request for Proposals for Audio / Visual Services)

Commission staff presented the first draft of the RFP for audio / visual services. The committee reviewed the purpose and the content of the RFP including the evaluation requirements and deadline schedule associated with the RFP. The staff recommended a few additions to the RFP before its release. General Counsel has also been asked to review the proposed RFP.
- **THE FINAL RFP IS ADVANCED FROM THE COMMITTEE TABLE TO THE COMMITTEE OF THE WHOLE FOR APPROVAL AND WILL BE PROVIDED TO COMMISSIONERS UNDER SEPARATE COVER.**

